

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK DETWILER	:	CIVIL ACTION
	:	
v.	:	
	:	
VALERO MARKETING AND SUPPLY	:	
CORPORATION, VALERO ENERGY	:	
CORPORATION, VALERO ENERGY	:	
CORPORATION d/b/a VALERO	:	
MARKETING AND SUPPLY COMPANY,	:	
VALERO REFINING COMPANY -	:	
NEW JERSEY	:	NO. 08-cv-03495-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

October 24, 2008

Plaintiff brought this action in the Court of Common Pleas of Philadelphia County. The defendants removed to this Court, and plaintiff now seeks remand to the Philadelphia Court of Common Pleas. The defendants object to the remand, and propose, in the alternative, that this action should be transferred to the United States District Court for the District of New Jersey.

Contrary to plaintiff's argument, I am satisfied that all of the defendants did join in the removal petition, and that the amount in controversy may well exceed \$75,000. The motion to remand will be denied.

But I am also persuaded that the defendants have not shown a sufficient basis for transferring the action to New Jersey. Plaintiff resides here, his medical treatment occurred

here, and both courthouses are approximately the same distance from the New Jersey location of the accident and records.

An Order follows.

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CORPORATION, VALERO ENERGY	:	
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CORPORATION d/b/a VALERO	:	
MARKETING AND SUPPLY COMPANY,	:	
VALERO REFINING COMPANY -	:	
NEW JERSEY	:	NO. 08-cv-03495-JF

ORDER

AND NOW, this 24th day of October 2008, IT IS ORDERED:

1. Plaintiff's motion to remand this action to the Court of Common Pleas of Philadelphia County is DENIED.

2. Defendants' motion to transfer this action to the United States District Court for the District of New Jersey is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.